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Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

ELLERIN PARTNERSHIP, LTD.;

CHARLES ELLERIN REVOCABLE TRUST, in
its capacities as GENERAL PARTNER and
LIMITED PARTNER of the ELLERIN

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04398 (SMB)

PARTNERSHIP, LTD;

ESTATE OF CHARLES ELLERIN;

SHIRLEY ELLERIN, in her capacities as
PERSONAL REPRESENTATIVE of the ESTATE
OF CHARLES ELLERIN and TRUSTEE of the
CHARLES ELLERIN REVOCABLE TRUST;

CHARLES ELLERIN IRREVOCABLE GIFT
GIVING TRUST, in its capacity as LIMITED
PARTNER of the ELLERIN PARTNERSHIP,
LTD;

ROBERT M. GRIFFITH, in his capacity as
TRUSTEE of the CHARLES ELLERIN
IRREVOCABLE GIFT GIVING TRUST; and

JANET WINTERS, INDIVIDUALLY as
BENEFICIARY of the CHARLES ELLERIN
IRREVOCABLE GIFT GIVING TRUST,

Defendants.

NOTICE OF MEDIATOR SELECTION

On November 10, 2010, this Court entered the Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order (the “Order”)¹ [Adv. Pro. No. 08-01789 (SMB), Dkt. No. 3141]. Pursuant to the Notice of Applicability filed by Plaintiff Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), in this Adversary Proceeding on November 30, 2010 [Dkt. No. 2], the Order and the avoidance procedures contained therein (the “Avoidance Procedures”) are applicable to the instant matter.

¹ All terms not defined herein shall be given the meaning ascribed to them in the Order.

Pursuant to the Avoidance Procedures, on May 14, 2014 the Trustee filed with this Court the Notice of Mediation Referral [Dkt. No. 49], wherein the Trustee and Defendants Ellerin Partnership, Ltd., the Charles Ellerin Revocable Trust, in its capacities as general partner and limited partner of the Ellerin Partnership, Ltd., Shirley Ellerin, in her capacities as personal representative of the Estate of Charles Ellerin and trustee of the Charles Ellerin Revocable Trust, Ellerin Partnership, Ltd., the Estate of Charles Ellerin, and Robert M. Griffith, in his capacity as trustee of the Charles Ellerin Irrevocable Gift Giving Trust, (the “Parties”) jointly agreed to enter mediation prior to or upon completion of discovery without further court order.

Through this Notice of Mediator Selection, and pursuant to the Avoidance Procedures and the Mediation Order, made applicable to the Parties upon the filing of the Notice of Mediation Referral, the Parties hereby mutually select from the Mediation Register Deborah A. Reperowitz, from the law firm of Troutman Sanders LLP, to act as Mediator in this matter. The Parties further agree to contact Deborah A. Reperowitz as soon as practicable after this Notice of Mediator Selection is filed with the Court.

The Parties further agree that no person shall act as Mediator if that person, or that person’s law firm, currently represents a party with respect to the BLMIS proceeding, unless the Parties provide prior written consent that the person may act as Mediator.

Pursuant to the Avoidance Procedures, the Parties agree that this mediation will conclude within 120 days from the date that this Notice of Mediator Selection is filed, unless that deadline is extended by mutual consent of the Parties and the Mediator.

Dated: New York, New York
May 28, 2014

/s/ Heather J. McDonald

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/s/ Michael I. Goldberg

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Partner of the Ellerin Partnership, Ltd.;
Charles Ellerin, in his capacities as Creator
and Trustee of the Charles Ellerin Revocable
Trust and Individually as Beneficiary of the
Charles Ellerin Revocable Trust;
Charles Ellerin Irrevocable Gift Giving Trust,
in its capacity as Limited Partner of the
Ellerin Partnership, Ltd.;
Robert M. Griffith, in his capacity as Trustee
of the Charles Ellerin Irrevocable Gift Giving
Trust;
the Estate of Charles Ellerin; and
Shirley Ellerin, in her capacities as personal
representative of the Estate of Charles Ellerin
and as successor trustee of the Charles Ellerin
Revocable Trust*